

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

AMERICAN AIRLINES GROUP INC. and
JETBLUE AIRWAYS CORPORATION,

Defendants.

Civil Action No. 1:21-CV-11558-LTS

**PLAINTIFFS' UNOPPOSED MOTION TO TEMPORARILY IMPOUND
PLAINTIFFS' POST-TRIAL BRIEF AND PROPOSED FINDINGS OF FACT**

The United States of America, the State of Arizona, the State of California, the District of Columbia, the State of Florida, the Commonwealth of Massachusetts, the Commonwealth of Pennsylvania, and the Commonwealth of Virginia (collectively, Plaintiffs) respectfully move the Court pursuant to Local Rule 7.2 and the Stipulated Protective Order (ECF No. 99) to temporarily impound Plaintiffs' Post-Trial Brief and Proposed Findings of Fact. Plaintiffs ask that the Court temporarily impound the papers in their entirety until the Parties have the opportunity to meet and confer and file redacted versions with the Court.¹

The two filings contain information that the Parties have designated as Confidential or Highly Confidential under the terms of the Stipulated Protective Order entered in this case, ECF No. 99, that the Parties have moved to seal, and that the Court has ordered sealed.² To the extent

¹ Plaintiffs reserve all rights to raise any disputes over redactions with the Court if the Parties cannot reach agreement.

² The previously sealed material includes admitted exhibits and deposition designations, *see, e.g.*, ECF Nos. 249 & 294 (electronic orders granting motion to seal exhibits identified by Parties as

that the Parties seek to protect the confidentiality of any information not yet ordered under seal, they bear the burden to show that their interest in confidentiality outweighs the strong public interest in access to judicial records. *See Anderson v. Cryovac*, 805 F.2d 1, 13 (1st Cir. 1986) (stating that a party moving to seal or impound court records must overcome the presumption that the public has a right to see and copy “materials on which a court relies in determining the litigants’ substantive rights”); *Skyhook Wireless, Inc. v. Google, Inc.*, No. CV 10-11571-RWZ, 2015 WL 13675231, at *2 (D. Mass. Feb. 18, 2015) (the public’s right to access judicial records may be overcome where the motion is “narrowly tailored” to protect “trade secrets in the documents or confidential business information”).

Here, Plaintiffs’ motion is narrowly tailored to avoid infringing any more than necessary upon the public’s right to access judicial records. Plaintiffs seek only temporary impoundment until the Parties file redacted versions with the Court. Plaintiffs therefore respectfully request the Court to issue an order of temporary impoundment.

Plaintiffs have met and conferred with Defendants as required by Local Rule 7.1.

Defendants do not oppose this motion.

undisputed) and ECF Nos. 288 & 291 (granting motions to seal certain portions of deposition designations). It also includes the parties’ expert reports that were admitted into evidence on October 26, 2022, which the Court ordered to be sealed on October 27, 2022 (ECF 290). The information that Plaintiffs seek to seal also includes portions of the trial transcripts, for which the Parties have until November 22, 2022 to request redactions. *See, e.g.*, ECF No. 315.

Dated: November 17, 2022

Respectfully submitted,

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*Attorneys for the State of Florida and the
Commonwealth of Massachusetts, and on
behalf of the Plaintiff States*

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that I conferred with counsel for Defendants on November 16, 2022. Defendants confirmed that they do not oppose this motion.

/s/ Kate M. Riggs
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